



FEB 27 2004

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

62785.000004

First named inventor: Richard W.F. LE PAGE et al.

Application No.: 09/769,744

Art Unit: 1645

Filed: January 26, 2001

Examiner: S. Devi

Title: NUCLEIC ACIDS AND PROTEINS FROM STREPTOCOCCUS PNEUMONIAE

**RECEIVED**

MAR 04 2004

**OFFICE OF PETITIONS**

Attention: Office of Petitions 03/01/2004 BSAYAS11 00000011 09769744

Mail Stop Petition 01 FC:2453

665.00 0P

Commissioner for Patents:

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee** Small entity-fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Amendment and Substitute Sequence Listing (identify type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c); subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 27, 2004

Date



Signature

Telephone  
Number: (202) 955-1960

David A. Kelly, Reg. No. 53,106

Typed or printed name

1900 K Street, N.W., Suite 1200  
AddressWashington, DC 20006-1109  
AddressEnclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Amendment and Substitute Sequence Listing

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

Date

Signature

Type or printed name of person signing certificate

RECEIVED



MAR 04 2004

Complete If Known

## FEE TRANSMITTAL

## OFFICE OF PETITIONS

## MAIL STOP Fee Amendment

Total Amount Of Payment (\$ 665.00)

Application No. 09/769,744

Filing Date January 26, 2001

First Named Inventor Richard LE PAGE et al.

Examiner Name S. Devi

Group Art Unit 1465

Attorney Docket No. 62785.000004

## METHOD OF PAYMENT (check one)

## FEE CALCULATION (continued)

1.  The Commissioner for Patents is hereby authorized to charge indicated fees and credit any over payments to **Deposit Account No. 50-0206** in the name of Hunton & Williams LLP.

## 3. ADDITIONAL FEES

2.  Check Enclosed. The Commissioner for Patents is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to **Deposit Account No. 50-0206** in the name of Hunton & Williams LLP, 1900 K Street, N.W., Suite 1200, Washington, D.C. 20006-1109.

Fee Description Fee Paid

 Surcharge - late filing fee or oath \$ Surcharge - late provisional filing fee or cover sheet \$ Month Extension of Time \$ Notice of Appeal \$ Filing Brief in Support of Appeal \$ Request for Oral Hearing \$ Utility Issue Fee (or Reissue) (including Publication Fee, if necessary) \$ Design Issue Fee \$ Plant Issue Fee \$ Petition to Commissioner \$ Petition to Revive (Unavoidable) \$ Petition to Revive (Unintentional) \$ 665.00 Petitions Related to Provisional Applications \$ Submission of Information Disclosure Statement \$ Filing Submission After Final Rejection \$ Recording Each Patent Assignment Per Property \$ Filing Request for Reexamination \$ Other (specify) \_\_\_\_\_ \$

## FEE CALCULATION

1. BASIC FILING  Large Entity  Small Entity

## FEE PAID

Utility Filing Fee	\$
Design Filing Fee	\$
Plant Filing Fee	\$
Reissue Filing Fee	\$
Provisional Filing Fee	\$

## 2. EXTRA CLAIMS FEES

## CLAIMS AS AMENDED

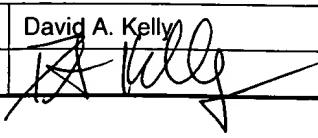
For	Number Present	Highest Number Paid For	Extra	Rate		Amount
				Large Entity	Small Entity	
TOTAL CLAIMS				x \$ 18.00	x \$ 9.00	\$
INDEPENDENT CLAIMS				x \$ 86.00	x \$ 43.00	\$ 0.00
MULTIPLE DEPENDENT CLAIMS				\$ 290.00	\$ 145.00	\$ 0.00
<b>TOTAL EXTRA CLAIMS FEES</b>						<b>\$</b>

## SUBMITTED BY

Complete (if applicable)

Typed or Printed Name David A. Kelly

Registration No. 53,106

Signature 

Date